

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

**BRADLY McCOLLOM
#08693-028**

PLAINTIFF

v.

Case No. 2:21-cv-00021-KGB-JJV

T. GARBARINI, *et al.*

DEFENDANTS

ORDER

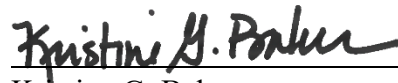
Before the Court are Proposed Findings and Recommendations (“Recommendations”) submitted by United States Magistrate Judge Joe J. Volpe screening plaintiff Bradly McCollom’s complaint (Dkt. No. 4). Mr. McCollom filed written objections (Dkt. No. 6). After careful consideration of the Recommendations and the objections, and after a *de novo* review of the record, the Court adopts the Recommendations as the Court’s findings of fact and conclusions of law in all respects (Dkt. No. 4).

In his Recommendations, Judge Volpe screened Mr. McCollom’s complaint pursuant to 28 U.S.C. § 1915(a) (Dkt. No. 4). As an initial matter, Judge Volpe recommended that Mr. McCollom’s official capacity claims against defendants Pharmacist T. Garbarini, Physician Assistants Michelle Wingo and Rosemary Stiles, Doctor Nwannem Obi-Okoye, Wardens Dewayne Hendrix, D. Hall, and J. Yates, Assistant Health Services Administrator Ryan Poyner, Health Services Administrator Brenda Hoy, and Regional Director Juan Baltazar be dismissed without prejudice pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) (Dkt. No. 4, at 4). Finally, Judge Volpe recommended that Mr. McCollom’s medical indifference claims against defendants Garbarini, Stiles, Obi-Okoye, Hall, Yates, and Hoy be dismissed without prejudice for failure to state a claim upon which relief may be granted (*Id.*, at 6).

The Court writes to address Mr. McCollom's objections. In his objections, Mr. McCollom resubmits numerous exhibits from his complaint and restates the same allegations from his complaint (Dkt. No. 6). Upon a *de novo* review of the record, including the Recommendations, the Court finds that Mr. McCollom's objections break no new ground and fail to rebut Judge Volpe's findings.

The Court adopts the Recommendations (Dkt. No. 4). Based on the Court's review and adoption of the Recommendations: (1) the Court dismisses without prejudice Mr. McCollom's official capacity claims; (2) the Court dismisses without prejudice Mr. McCollom's claims against defendants Garbarini, Stiles, Obi-Okoye, Hall, Yates, and Hoy; and (3) the Court certifies pursuant to 28 U.S.C. § 1915(a) that an *in forma pauperis* appeal taken from this Order would not be taken in good faith.

It is so ordered this 10th day of March, 2022.



Kristine G. Baker
United States District Judge